

## 37 Am. Jur. 2d Fraud and Deceit § 90

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### Fraud and Deceit

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#### IV. False Representations

##### C. Matters of Futurity; Promises and Statements of Intention

##### 2. Promises and Statements of Intention

##### a. In General

### § 90. Misrepresentation of existing state of mind or present intent

[Topic Summary](#) | [Correlation Table](#) | [References](#)

#### West's Key Number Digest

West's Key Number Digest, [Fraud](#)  12

#### A.L.R. Library

[Employer's misrepresentation as to prospect, or duration of, employment as actionable fraud, 24 A.L.R.3d 1412](#)

#### Trial Strategy

[Promise Made with Intent not to Perform, 5 Am. Jur. Proof of Facts 2d 727](#)

#### Forms

[Am. Jur. Pleading and Practice Forms, Fraud and Deceit § 215](#) (Instruction to jury—When false representations concerning intention or state of mind may constitute actionable fraud)

An existing purpose or state of mind may be misrepresented and thus constitute a misrepresentation of fact.<sup>1</sup> Most courts hold that if the falsity of the statement can be established, a misrepresentation of intent is an actionable misrepresentation of fact.<sup>2</sup>

## CUMULATIVE SUPPLEMENT

### Cases:

Employer's alleged misrepresentation to prospective employee that position involved managing employer's existing workload, not procuring clients, was a statement of present fact, not expression of future expectations, and thus was sufficient to support a fraudulent inducement claim. [Laduzinski v. Alvarez & Marsal Taxand LLC](#), 16 N.Y.S.3d 229, 2015 WL 5008378 (App. Div. 1st Dep't 2015).

## [END OF SUPPLEMENT]

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### Footnotes

<sup>1</sup> [Perimeter Realty v. GAPI, Inc.](#), 243 Ga. App. 584, 533 S.E.2d 136 (2000); [Connor v. Bruce](#), 983 S.W.2d 625 (Mo. Ct. App. S.D. 1999); [Adams v. Clark](#), 239 N.Y. 403, 146 N.E. 642 (1925); [Maulding v. Niemeyer](#), 241 S.W.2d 733 (Tex. Civ. App. El Paso 1951).

<sup>2</sup> [Major v. Christian County Livestock Market, Inc.](#), 300 S.W.2d 246 (Ky. 1957); [Thieman v. Thieman](#), 218 S.W.2d 580 (Mo. 1949); [Roberts v. James](#), 83 N.J.L. 492, 85 A. 244 (N.J. Ct. Err. & App. 1912); [Kritzer v. Moffat](#), 136 Wash. 410, 240 P. 355, 44 A.L.R. 681 (1925).